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AMIN & TUROCY, LLP  
24TH FLOOR, NATIONAL CITY CENTER  
1900 EAST NINTH STREET  
CLEVELAND, OH 44114

EXAMINER

NAHAR, QAMRUN

ART UNIT PAPER NUMBER

2191

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/726,111

Applicant(s)

BOURKE-DUNPHY ET AL.

Examiner

Qamrun Nahar

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2191

### **DETAILED ACTION**

1. This action is in response to the amendment filed on 6/3/05.
2. The rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention to claims 40-48 is withdrawn in view of applicant's amendment.
3. Claim 32 has been amended.
4. Claims 1-48 are pending.
5. Claims 1-40, 42 and 45-48 stand finally rejected under 35 U.S.C. 102(b) as being anticipated by Jones (U.S. 5,666,501).
6. Claims 41, 43 and 44 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (U.S. 5,666,501) in view of Kenner (U.S. 6,314,565).

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-40, 42 and 45-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (U.S. 5,666,501).

### **Per Claim 1:**

The Jones patent discloses:

- **a software tool for installing a software component on a server computer system** (“A computer-implemented method, apparatus, and memory embodying computer-readable code install software located on a second machine to a first machine in a distributed computing network.” in column 1, lines 62-65)

- **a user interface component that renders a plurality of setup prompts to a user and obtains a user command** (“The method includes the step of displaying installable software residing in one or more source objects of the second machine that is installable on the first machine. In response to a selection by user controls of at least one of the displayed source objects, the method also includes the step of displaying software bundle objects having software items, where at least one of the software items is in common (i.e., identical) with one of the software items in the selected source object.” in column 1, lines 66-67 to column 2, lines 1-7)

- **and a setup component that senses an attribute of a registry of the server computer system, which attribute is associated with a low functionality suite package and a higher functionality suite package, selectively provides at least one setup prompt to the user interface component according to the attribute, and selectively installs the software component on the computer system according to the user command** (“If one of the software bundle objects is selected, the method further includes the step of installing on the first machine an intersection ... of the software items of the source object and the software items of the selected bundle object ... Panel 220 illustrates various bundles of software embodiment within

Art Unit: 2191

the chosen source media. Typically, each bundle contains a list of software items embodied as a subset of the selected source object. This can be thought of as a high-level grouping of the source media. However, the bundle can also contain installation software items that are located on separate source objects. *Therefore, a given bundle can be either a subset or a superset of a particular source object, depending on whether all the software items listed in the bundle are available on the particular source object.* ... Display controls 245 allow user control and manipulation of the contents of panel 240. The user can apply the controls to a single item in panel 240, the highlighted (selected) items in panel 240, or all items in panel 240. ... Display control 247 expands the items in panel 240 to show any fixes available (a fix is a corrective update to the software after its initial release). ... Display control 250 allows the user to sort the contents of panel 240 by type, date, name, or any other attribute. Display control 251 allows the user to search the contents of panel 240 based on type, date, name, or any other attribute.” in column 2, lines 7-12; *column 3, lines 28-37*; and column 3, lines 59-67 to column 4, lines 1-15; it is inherent that a setup component is adapted to sense an attribute of a registry associated with the computer system; that is, a registry maintains information on installed components. Therefore, in order to display a setup prompt to the user interface component, the setup component has to access the registry in order to find out information of the components that are installed already or of the components that are not installed yet.).

**Per Claim 2:**

The Jones patent discloses:

Art Unit: 2191

**- the setup component selectively suppresses at least one setup prompt from the user interface component if the attribute indicates the at least one setup prompt is unnecessary (column 3, lines 59-67 to column 4, lines 1-15; and column 4, lines 51-63).**

**Per Claim 3:**

The Jones patent discloses:

**- the at least one setup prompt comprises a selection between at least two setup parameters, and the setup component selects one of the at least two setup parameters according to the attribute (column 4, lines 51-63).**

**Per Claim 4:**

The Jones patent discloses:

**- the setup component selectively installs the software component on the computer system using the selected one of the at least two setup parameters (column 5, lines 29-34).**

**Per Claim 5:**

The Jones patent discloses:

**- the attribute comprises data stored in the computer system (column 4, lines 40-63).**

Art Unit: 2191

**Per Claim 6:**

The Jones patent discloses:

- **the data comprises a registry key** (column 3, lines 59-67 to column 4, lines 1-15; it is inherent that a setup component is adapted to sense an attribute of a registry associated with the computer system; that is, a registry maintains information on installed components. Therefore, in order to display a setup prompt to the user interface component, the setup component has to access the registry in order to find out information of the components that are installed already or of the components that are not installed yet. A registry key is used to access a registry.).

**Per Claim 7:**

The Jones patent discloses:

- **the software component comprises one of an operating system and an application** (column 3, lines 59-67 to column 4, lines 1-15).

**Per Claim 8:**

The Jones patent discloses:

- **the software component comprises a plurality of program components, and the setup component selectively installs at least one of the plurality of program components**

Art Unit: 2191

**according to tile attribute** (column 3, lines 59-67 to column 4, lines 1-15; and column 4, lines 40-54).

**Per Claim 9:**

The Jones patent discloses:

- **the at least one setup prompt comprises a selection between at least two setup parameters, and the setup component selects one of the at least two setup parameters according to the attribute** (column 4, lines 51-63).

**Per Claim 10:**

The Jones patent discloses:

- **the setup component selectively installs the software component on the computer system using the selected one of the at least two setup parameters** (column 5, lines 29-34).

**Per Claim 11:**

The Jones patent discloses:

- **the attribute comprises a registry key** (column 3, lines 59-67 to column 4, lines 1-15; it is inherent that a setup component is adapted to sense an attribute of a registry associated with the computer system; that is, a registry maintains information on installed components. Therefore,



Art Unit: 2191

in order to display a setup prompt to the user interface component, the setup component has to access the registry in order to find out information of the components that are installed already or of the components that are not installed yet. A registry key is used to access a registry.).

**Per Claim 12:**

The Jones patent discloses:

- **the software component comprises one of an operating system and an application** (column 3, lines 59-67 to column 4, lines 1-15).

**Per Claim 13:**

The Jones patent discloses:

- **the software component comprises a plurality of program components, and the setup component selectively installs at least one of the plurality of program components according to the attribute** (column 3, lines 59-67 to column 4, lines 1-15; and column 4, lines 40-54).

**Per Claim 14:**

The Jones patent discloses:

Art Unit: 2191

- **a software setup tool for performing a setup operation in a server computer system** (“A computer-implemented method, apparatus, and memory embodying computer-readable code install software located on a second machine to a first machine in a distributed computing network.” in column 1, lines 62-65)

- **a setup component that senses an attribute of a registry of the server computer system, which attribute is associated with a low functionality suite package and a higher functionality suite package, and selectively provides one of standard prompting and special prompting to a user according to the attribute** (“If one of the software bundle objects is selected, the method further includes the step of installing on the first machine an intersection ... of the software items of the source object and the software items of the selected bundle object ... Panel 220 illustrates various bundles of software embodiment within the chosen source media. Typically, each bundle contains a list of software items embodied as a subset of the selected source object. This can be thought of as a high-level grouping of the source media. However, the bundle can also contain installation software items that are located on separate source objects. *Therefore, a given bundle can be either a subset or a superset of a particular source object, depending on whether all the software items listed in the bundle are available on the particular source object.* ... Display controls 245 allow user control and manipulation of the contents of panel 240. The user can apply the controls to a single item in panel 240, the highlighted (selected) items in panel 240, or all items in panel 240. ... Display control 247 expands the items in panel 240 to show any fixes available (a fix is a corrective update to the software after its initial release). ... Display control 250 allows the user to sort the contents of

Art Unit: 2191

panel 240 by type, date, name, or any other attribute. Display control 251 allows the user to search the contents of panel 240 based on type, date, name, or any other attribute.” in column 2, lines 7-12; *column 3, lines 28-37*; and column 3, lines 59-67 to column 4, lines 1-15; it is inherent that a setup component is adapted to sense an attribute of a registry associated with the computer system; that is, a registry maintains information on installed components. Therefore, in order to display a setup prompt to the user interface component, the setup component has to access the registry in order to find out information of the components that are installed already or of the components that are not installed yet.)

**- and a user interface component that renders a plurality of setup prompts to a user and obtains at least one setup parameter** (“The method includes the step of displaying installable software residing in one or more source objects of the second machine that is installable on the first machine. In response to a selection by user controls of at least one of the displayed source objects, the method also includes the step of displaying software bundle objects having software items, where at least one of the software items is in common (i.e., identical) with one of the software items in the selected source object.” in column 1, lines 66-67 to column 2, lines 1-7).

**Per Claim 15:**

The Jones patent discloses:

**- the setup component further selectively performs at least one setup operation according to the at least one setup parameter and the attribute** (column 4, lines 51-63).

**Per Claim 16:**

The Jones patent discloses:

- **the attribute comprises a registry key** (column 3, lines 59-67 to column 4, lines 1-15; it is inherent that a setup component is adapted to sense an attribute of a registry associated with the computer system; that is, a registry maintains information on installed components. Therefore, in order to display a setup prompt to the user interface component, the setup component has to access the registry in order to find out information of the components that are installed already or of the components that are not installed yet. A registry key is used to access a registry.).

**Per Claim 17:**

The Jones patent discloses:

- **the setup component further selectively suppresses at least one setup prompt from the user interface component if the attribute indicates the at least one setup prompt is unnecessary** (column 3, lines 59-67 to column 4, lines 1-15; and column 4, lines 51-63).

**Per Claim 18:**

The Jones patent discloses:

Art Unit: 2191

- the at least one setup prompt comprises a selection between at least two setup parameters, and the setup component selects one of the at least two setup parameters according to the attribute (column 4, lines 51-63).

**Per Claim 19:**

The Jones patent discloses:

- the setup component selectively installs a software component on the computer system using the selected one of the at least two setup parameters (column 5, lines 29-34).

**Per Claim 20:**

The Jones patent discloses:

- the setup component one of renders at least one additional setup prompt to the user according to the attribute, and renders at least one substitute setup prompt to the user according to the attribute (column 3, lines 59-67 to column 4, lines 1-15; and column 4, lines 51-63).

**Per Claims 21 & 22:**

These are method versions of the claimed software setup tool discussed above, claim 14, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Jones.

**Per Claims 23 & 24:**

These are method versions of the claimed software setup tool discussed above (claims 15 and 16, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Jones.

**Per Claim 25:**

This is a method version of the claimed software setup tool discussed above, (claims 17 and 20), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Jones.

**Per Claims 26-27:**

These are method versions of the claimed software setup tool discussed above, (claims 18 and 19, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Jones.

**Per Claims 28-29, 30, 31, 32 (Amended), 33 & 34:**

These are computer-readable medium versions of the claimed method discussed above, (claims 21-27, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Jones.

**Per Claims 35-38:**

These are software tool versions of the claimed method discussed above, (claims 21-22 and 24-25, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Jones.

**Per Claim 39:**

This is a data packet version of the claimed software tool discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Jones.

**Per Claim 40:**

The Jones patent discloses:

- **a system that facilitates an installation of a server operating system** (“A computer-implemented method, apparatus, and memory embodying computer-readable code install software located on a second machine to a first machine in a distributed computing network.” in column 1, lines 62-65)
- **a setup component that senses an attribute of a registry associated with the server operating system, and in accordance with the attribute, selectively provides at least one of standard prompts for loading a standard functionality installation of server components and special prompts for loading a special lower functionality installation of server**

Art Unit: 2191

**components** (“If one of the software bundle objects is selected, the method further includes the step of installing on the first machine an intersection ... of the software items of the source object and the software items of the selected bundle object ... Panel 220 illustrates various bundles of software embodiment within the chosen source media. Typically, each bundle contains a list of software items embodied as a subset of the selected source object. This can be thought of as a high-level grouping of the source media. However, the bundle can also contain installation software items that are located on separate source objects. *Therefore, a given bundle can be either a subset or a superset of a particular source object, depending on whether all the software items listed in the bundle are available on the particular source object.* ... Display controls 245 allow user control and manipulation of the contents of panel 240. The user can apply the controls to a single item in panel 240, the highlighted (selected) items in panel 240, or all items in panel 240. ... Display control 247 expands the items in panel 240 to show any fixes available (a fix is a corrective update to the software after its initial release). ... Display control 250 allows the user to sort the contents of panel 240 by type, date, name, or any other attribute. Display control 251 allows the user to search the contents of panel 240 based on type, date, name, or any other attribute.” in column 2, lines 7-12; *column 3, lines 28-37*; and column 3, lines 59-67 to column 4, lines 1-15; it is inherent that a setup component is adapted to sense an attribute of a registry associated with the computer system; that is, a registry maintains information on installed components. Therefore, in order to display a setup prompt to the user interface component, the setup component has to access the registry in order to find out information of the components that are installed already or of the components that are not installed yet.)



- and a user interface component that renders at least one of the standard prompts and the special prompts, and receives at least one setup parameter (“The method includes the step of displaying installable software residing in one or more source objects of the second machine that is installable on the first machine. In response to a selection by user controls of at least one of the displayed source objects, the method also includes the step of displaying software bundle objects having software items, where at least one of the software items is in common (i.e., identical) with one of the software items in the selected source object.” in column 1, lines 66-67 to column 2, lines 1-7).

**Per Claim 42:**

The Jones patent discloses:

- the server operating system is installed in a per server mode when the attribute indicates the special lower functionality installation of server components (column 3, lines 28-37).

**Per Claim 45:**

The Jones patent discloses:

- only the special lower functionality installation requires the rendering of a workgroup/domain page (column 3, lines 59-67 to column 4, lines 1-15).

Art Unit: 2191

**Per Claim 46:**

The Jones patent discloses:

**- the special lower functionality installation includes installing the server operating system in accordance with a default workgroup (column 3, lines 59-67 to column 4, lines 1-15).**

**Per Claim 47:**

The Jones patent discloses:

**- the special prompts are included in the standard prompts (column 3, lines 59-67 to column 4, lines 1-15).**

**Per Claim 48:**

The Jones patent discloses:

**- the special prompts are included in the standard prompts, such that some of the standard prompts are by-passed during the special lower functionality installation in accordance with the attribute (column 3, lines 59-67 to column 4, lines 1-15).**

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2191

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 41, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (U.S. 5,666,501) in view of Kenner (U.S. 6,314,565).

**Per Claim 41:**

The rejection of claim 40 is incorporated, and further, Jones does not explicitly teach the standard functionality installation includes the rendering of a standard prompt that is a licensing page, which licensing page is not rendered during the special lower functionality installation. Kenner teaches the standard functionality installation includes the rendering of a standard prompt that is a licensing page, which licensing page is not rendered during the special lower functionality installation (column 7, lines 55-67 and column 11, lines 1-6).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the system disclosed by Jones to include the standard functionality installation includes the rendering of a standard prompt that is a licensing page, which licensing page is not rendered during the special lower functionality installation using the teaching of Kenner. The modification would be obvious because one of ordinary skill in the art would be motivated to control distribution of limited number of licenses.

**Per Claim 43:**

The rejection of claim 42 is incorporated, and further, Jones does not explicitly teach that the per server mode invokes a fixed number of client user licenses. Kenner teaches that the per server mode invokes a fixed number of client user licenses (column 7, lines 55-67 and column 11, lines 1-6).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the system disclosed by Jones to include that the per server mode invokes a fixed number of client user licenses using the teaching of Kenner. The modification would be obvious because one of ordinary skill in the art would be motivated to control distribution of limited number of licenses.

**Per Claim 44:**

The rejection of claim 40 is incorporated, and further, Jones does not explicitly teach that the standard functionality installation includes the rendering of a standard prompt that is a licensing page. Kenner teaches that the standard functionality installation includes the rendering of a standard prompt that is a licensing page (column 7, lines 55-67 and column 11, lines 1-6).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the system disclosed by Jones to include that the standard functionality installation includes the rendering of a standard prompt that is a licensing page using the teaching of Kenner. The modification would be obvious because one of ordinary skill in the art would be motivated to control distribution of limited number of licenses.

***Response to Arguments***

11. Applicant's arguments filed on 6/3/05 have been fully considered but they are not persuasive.

*In the remarks, the applicant argues that:*

a) In particular, claim 1 recites ... senses an attribute of a registry ... renders a plurality of setup prompts ... selectively provides at least one setup prompt to the user interface component according to the attribute ... Jones et al. does not teach or suggest such claimed features of applicant's invention.

... The Examiner incorrectly contends that it is inherent that a setup prompt is adapted to sense an attribute of a registry associated with the computer system. The registry is a database of configuration settings in a Windows-brand operating systems that stores configuration data about the hardware/software environment of the computer in which the operating system or application has been installed. Jones et al. does not teach or suggest a registry or a registry key.

Furthermore, Jones et al. does not teach accessing a registry or registry key ...

The Examiner incorrectly equates a portion of the subject claim limitation of setup prompts with the step of displaying software bundle objects of software items ... Jones et al. teaches that the user must manually make software and/or file selections from a plurality of presented options in order for the installation to occur.

The Examiner references col. 3, lines 28-37 ... Jones et al neither teaches nor suggests that any of the source objects, software bundles for the source objects, or items of the bundles are presented by the GUI as a result of accessing a registry or attributes thereof, as recited in the claim limitations.

...

As recited in claim 14 ...

Regarding claim 21 ...

Likewise, claim 28 ...

In claim 35 ...

Regarding claim 39 ...

New claim 40 recites ... special prompts for loading a special lower functionality installation of server components ...

*Examiner's response:*

a) Examiner strongly disagrees with applicant's assertion that Jones fails to disclose the claimed limitations recited in independent claims 1, 14, 21, 28, 35, 39 and 40. Jones clearly shows each and every limitation in independent claims 1, 14, 21, 28, 35, 39 and 40.

As previously pointed out in the last Office Action (Mailed on 10/04/2004, par. 14), and the Examiner maintains that Jones teaches a software tool that senses a registry attribute related to such low functionality suite package and higher functionality suite package; and installation of a server operating system that senses a registry attribute related to loading a standard functionality installation and a lower functionality installation ("Panel 220 illustrates various bundles of software embodiment within the chosen source media. Typically, each bundle contains a list of software items embodied as a subset of the selected source object. This can be thought of as a high-level grouping of the source media. However, the bundle can also contain installation software items that are located on separate source objects. *Therefore, a given bundle*

Art Unit: 2191

*can be either a subset or a superset of a particular source object, depending on whether all the software items listed in the bundle are available on the particular source object.”* in column 2, lines 7-12; *column 3, lines 28-37*; and column 3, lines 59-67 to column 4, lines 1-15; it is inherent that a setup component is adapted to sense an attribute of a registry associated with the computer system; that is, a registry maintains information on installed components. Therefore, in order to display a setup prompt to the user interface component, the setup component has to access the registry in order to find out information of the components that are installed already or of the components that are not installed yet.).

In addition, see the rejection above in paragraph 8 for rejection to independent claims 1, 14, 21, 28, 35, 39 and 40.

*In the remarks, the applicant argues that:*

b) For example, claim 2 recites ... the setup component selectively suppresses at least ... Jones et al. neither teaches nor suggests suppression of a prompt. Furthermore, Jones et al. does not teach or suggest suppression of a prompt based on the attribute of the registry as in the subject claim.

Claim 3 recites ... not according to an attribute of a registry.

Claim 6 recites ... the data comprises a registry key. ...

*Examiner's response:*

Art Unit: 2191

b) The Examiner has already addressed the applicant's arguments in the Examiner's Response (a) above. In addition, see the rejection above in paragraph 8 for rejection to claims 2, 3 and 6.

*In the remarks, the applicant argues that:*

c) Claims 41, 43 and 44 ... Moreover, the references themselves do not provide a requisite basis for suggesting or motivating the Examiner's purported combination. ...

As recited in dependent claim 41, ... which licensing page is not rendered during the special lower functionality installation. Kenner et al. neither teaches nor suggests such a limitation.

Dependent claim 43 ... the per server mode invokes a fixed number of client user licenses. Kenner et al. neither teaches nor suggests such a limitation.

Claim 44 depends from independent claim 40, which Applicants' representative submits is not obvious in view of the arguments set forth above.

*Examiner's response:*

c) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).



Art Unit: 2191

In this case, as previously pointed out in the last Office Action (Mailed on 10/04/2004, par. 16), and the Examiner maintains that the modification would be obvious because one of ordinary skill in the art would be motivated to control distribution of limited number of licenses. The motivation is found in the knowledge generally available to one of ordinary skill in the art.

Furthermore, regarding claims 41, 43 and 44, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

In addition, see the rejection above in paragraph 10 for rejection to claims 41, 43 and 44.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2191

13. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QN  
August 18, 2005



**WEI Y. ZHEN**  
**PRIMARY EXAMINER**